

TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 09-R-___

**A RESOLUTION REGARDING THE REVIEW OF THE REQUEST FOR
AMENDMENT TO THE OFFICIAL ZONING MAP OF THE TOWN OF FREDERICK
FOR WESTERVELT PROPERTY.**

WHEREAS, Wallace H. Grant and Wallspring, LLC, and WH Grant Enterprises, LLC, 10515 Mooring Rd., Longmont, CO 80504, has requested a zoning amendment to the Official Zoning Map of the Town of Frederick from the current zoning district of PUD to B-LI (Business, Light Industrial) and C-E (Commercial District, Employment), for the Westervelt Property more particularly described in Exhibit A attached hereto.

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF
FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. Findings of Fact. The following findings are made by the Board of Trustees of the Town of Frederick, after due consideration of the testimony given and presentations made during the public hearing conducted by the Board on May 26th, 2009.

- a. The applicant's application and supporting documents are in substantial compliance with Section 3.2.3 Changes to Map/Amendments and Section 4.7.2.d Review Criteria, of the *Frederick Land Use Code*.
- b. The amendment will rezone an area or extend the boundary of an existing district because of a manifest error in an ordinance establishing the zoning for a specific property;
- c. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the *Frederick Comprehensive Plan*;
- d. The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; and
- e. Town of Frederick consents to the change of zoning,
- f. The amendment to the Official Zoning Map of the Town of Frederick as proposed preserves the health, safety, welfare and interest of the citizens of the Town of Frederick, Colorado.

Section 2. Conclusions and Order Approving an Amendment to the Official Zoning Map of the Town of Frederick for Westervelt Property.

- a. The proposed amendment of the Official Zoning Map complies with section 3.3.3 and section 4.7.2.d of the *Frederick Land Use Code*.
- b. Prior to recording the zoning amendment map, applicant shall submit an electronic/ AutoCAD drawing file (release 12 or higher) of the zoning amendment map, parks and open space plan and preliminary plat on CD-Rom or by other acceptable electronic transfer such as DVD.
- c. The proposed amendment of the Official Zoning Map for the subject property and subject to the above conditions, should be granted approval.

INTRODUCED, READ, PASSED, AND SIGNED THIS 26th DAY OF MAY, 2009.

ATTEST:

TOWN OF FREDERICK

By _____
Nanette S. Fornof, Town Clerk

Eric E. Doering, Mayor

EXHIBIT A
WESTERVELT PROPERTY
ZONING DISTRICTS LEGAL DESCRIPTIONS

B-LI ZONE DISTRICT

**LEGAL DESCRIPTION
WESTERVELT, TRACT B – ZONE BLI**

A PORTION OF LOT B, RECORDED EXEMPTION NO 1313-26-4-RE506 RECORDED MAY 3, 1985 IN BOOK 1067 ON FILE 1897 AS RECEPTION NUMBER 02008233 OF THE RECORDS OF WELD COUNTY COLORADO AND A PORTION OF THE SE1/4 OF SECTION 26, T2N, R68W OF THE 6TH P.M., TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 26 FROM WHICH THE S1/4 CORNER OF SAID SECTION 26 BEARS, S89°36'09"W, (BASIS OF BEARING), THENCE S89°36'09"W, 1050.96 FEET ALONG THE SOUTH LINE OF THE SE1/4 OF SAID SECTION TO THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING S89°36'09"W, 853.74 FEET ALONG THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 26 TO THE EAST BANK OF THE GOODING HOLLOW DITCH AND THE EAST LINE OF SAID LOT B, RECORDED EXEMPTION NO 1313-26-4-RE506;

THENCE N23°06'27"W, 1370.86 FEET ALONG THE SAID EAST BANK OF THE GOODING HOLLOW DITCH AND THE EAST LINE OF SAID LOT B TO THE NORTHWEST CORNER OF SAID LOT B;

THENCE CONTINUING N23°06'27"W, 86.43 FEET ALONG THE SAID EAST BANK OF THE GOODING HOLLOW DITCH;

THENCE THE FOLLOWING SEVEN (7) COURSES AND DISTANCES ALONG THE SAID EAST BANK OF THE GOODING HOLLOW DITCH:

THENCE N08°55'29"W, 619.26 FEET;

THENCE N14°36'51"W, 137.29 FEET;

THENCE N45°17'38"E, 201.52 FEET;

THENCE N60°41'11"E, 238.78 FEET;

THENCE N16°40'42"E, 229.04 FEET;

THENCE N32°34'08"W, 97.09 FEET;

THENCE N52°15'31"W, 71.38 FEET TO THE NORTH LINE OF THE SE1/4 OF SAID SECTION 26;

THENCE N89°05'15"E, 1147.74 FEET ALONG THE NORTH LINE OF THE SE1/4 OF SAID SECTION 26;

THENCE S00°09'20"W, 391.73 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE 133.46 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 1000.00 FEET, A CENTRAL ANGLE OF 07°38'48", AND BEING SUBTENDED BY A CHORD THAT BEARS S03°40'04"E, 133.36 FEET;

THENCE S07°29'28"E, 567.66 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE 123.82 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 1000.00 FEET, A CENTRAL ANGLE OF 07°05'40", AND BEING SUBTENDED BY A CHORD THAT BEARS S03°56'38"E, 123.74 FEET;

THENCE S00°23'48"E, 1489.88 FEET TO THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 26 AND THE **TRUE POINT OF BEGINNING**.

AREA = 76.201 ACRES, MORE OR LESS.

And;

C-E ZONE DISTRICT

LEGAL DESCRIPTION WESTERVELT, TRACT A – ZONE C-E

A PORTION OF LOT B, RECORDED EXEMPTION NO 1313-26-4-RE506 RECORDED MAY 3, 1985 IN BOOK 1067 ON FILE 1897 AS RECEPTION NUMBER 02008233 OF THE RECORDS OF WELD COUNTY COLORADO AND A PORTION OF THE SE1/4 OF SECTION 26, T2N, R68W OF THE 6TH P.M., TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 26 FROM WHICH THE S1/4 CORNER OF SAID SECTION 26 BEARS, S89°36'09"W, (BASIS OF BEARING);

THENCE S89°36'09"W, 1050.96 FEET ALONG THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 26;

THENCE N00°23'48"W, 1489.88 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE 123.82 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 1000.00 FEET, A CENTRAL ANGLE OF 07°05'40", AND BEING SUBTENDED BY A CHORD THAT BEARS N03°56'38"W, 123.74 FEET;

THENCE N07°29'28"W, 567.66 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE 133.46 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 1000.00 FEET, A CENTRAL ANGLE OF 07°38'48", AND BEING SUBTENDED BY A CHORD THAT BEARS N03°40'04"W, 133.36 FEET;

THENCE N00°09'20"E, 391.73 FEET THE NORTH LINE OF THE SE1/4 OF SAID SECTION 26;

THENCE N89°05'15"E, 427.07 FEET ALONG THE NORTH LINE OF THE SE1/4 OF SAID SECTION 26 TO THE CENTERLINE OF THE LOWER BOULDER DITCH AND THE WESTERLY LINE OF THAT WARRANTY DEED GRANTED TO JEFFERY N. GREENLEE AND KATHRYN A. WRIGHT RECORDED JULY 06, 1999 AS RECEPTION NUMBER 2704280 OF THE RECORDS OF WELD COUNTY COLORADO;

THENCE THE FOLLOWING FOUR (4) COURSES AND DISTANCES ALONG THE SAID CENTERLINE OF THE LOWER BOULDER DITCH AND THE WESTERLY LINE OF SAID RECEPTION NUMBER 2704280:

THENCE S10°48'42"E, 109.99 FEET;

THENCE S41°40'36"E, 231.70 FEET;

THENCE S36°37'01"E, 745.49 FEET;

THENCE S73°54'50"E, 113.78 FEET TO THE EAST LINE OF THE SE1/4 OF SAID SECTION 26;

THENCE S00°08'33"W, 513.70 FEET ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 26 TO THE NORTH LINE OF LOT A, SAID EXEMPTION NO 1313-26-4-RE506;

THENCE S89°20'31"W, 278.65 FEET ALONG THE NORTH LINE OF SAID LOT A TO THE NORTHWEST CORNER THEREOF;

THENCE S02°49'55"E, 184.07 FEET ALONG THE WEST LINE OF SAID LOT A TO THE SOUTHWEST CORNER THEREOF;

THENCE N89°12'54"E, 269.11 FEET ALONG THE SOUTH LINE OF SAID LOT A TO THE EAST LINE OF THE SE1/4 OF SAID SECTION 26;

THENCE S00°08'33"W, 1092.40 FEET ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 26 TO THE SOUTHEAST CORNER OF SAID SECTION 26 AND THE **POINT OF BEGINNING**.

AREA = 57.511 ACRES, MORE OR LESS.